

# ***DRAFT UNAPPROVED***

## **VIRGINIA BOARD OF MEDICINE SPECIAL CONFERENCE COMMITTEE MINUTES**

| Tuesday, July 31, 2007 |   | Holiday Inn Select       | Fredericksburg, Virginia |
|------------------------|---|--------------------------|--------------------------|
| CALL TO ORDER:         | A Special Conference Committee of the Board was called to order at 9:40 a.m.  |                          |                          |
| MEMBERS PRESENT:       | Jane E. Piness, M.D., Chair<br>Robert T. Mosby, Jr., M.D.<br>Ann T. Burks, J.D.   |                          |                          |
| STAFF & OAG PRESENT:   | Jennifer L. Deschenes, Deputy Executive Director, Discipline<br>Renée S. Dixon, Discipline Case Manager<br>Virginia A. Scher, Adjudication Specialist   |                          |                          |
| OTHERS PRESENT:        | Dr. Errol Segall ( <i>on behalf of Dr. Hryvniak</i> )<br>Stephen S. Crow, B.S., C.S.A.C. ( <i>on behalf of Dr. Hryvniak</i> )   |                          |                          |
| MATTER:                | Michael R. Hryvniak, M.D.<br>Case No.: 110340   | License No.: 0101-039400 |                          |
| DISCUSSION:            | Dr. Hryvniak appeared before the Committee in person in accordance with a Notice of the Board dated May 1, 2007. Dr. Hryvniak was represented by Julia Krebs-Markrich, Esquire. The Committee fully discussed the allegations in the Notice with Dr. Hryvniak.  |                          |                          |
| CLOSED SESSION:        | Upon a motion by Dr. Mosby, and duly seconded by Ms. Burks, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(15) of the Code of Virginia, for the purpose of consideration and discussion of medical and mental health records of Dr. Dr. Hryvniak. Additionally, he moved that Ms. Deschenes, Ms. Dixon, Ms. Scher, and Ms. Krebs-Markrich attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussion. |                          |                          |
| RECONVENE:             | Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and continued its discussion with Dr. Hryvniak regarding the allegations.  |                          |                          |

**CLOSED SESSION:**

Upon a motion by Ms. Burks, and duly seconded by Dr. Mosby, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Hryvniak. Additionally, she moved that Ms. Deschenes, and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**RECONVENE:**

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

**DECISION:**

Upon a motion by Ms. Burks, and duly seconded by Dr. Mosby the Committee made certain Findings of Fact and Conclusions of Law and voted to place the license of Dr. Hryvniak on indefinite probation subject to terms and conditions.

**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

The Committee adjourned at 1:53 p.m.

*As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Hryvniak, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Hryvniak, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.*

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Jane E. Piness, M.D., Chair

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William L. Harp, M.D., Executive Director

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Date

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Date

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**CALL TO ORDER:**

A Special Conference Committee of the Board was called to order at 1:57 p.m.

**MEMBERS PRESENT:**

Jane E. Piness, M.D., Chair  
Robert T. Mosby, Jr., M.D.  
Ann T. Burks, J.D.

**STAFF & OAG PRESENT:**

Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Renée S. Dixon, Discipline Case Manager  
Virginia A. Scher, Adjudication Specialist

**MATTER:**

**Michael J. Brown, M.D.  
Case No.: 107860**

**License No.: 0101-225608**

**DISCUSSION:**

Dr. Brown appeared before the Committee in person in accordance with a Notice of the Board dated May 24, 2007. Dr. Brown was not represented by counsel. The Committee fully discussed the allegations in the Notice with Dr. Brown.

**CLOSED SESSION:**

Upon a motion by Dr. Mosby, and duly seconded by Ms. Burks, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Brown. Additionally, he moved that Ms. Deschenes and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**RECONVENE:**

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

**DECISION:**

Upon a motion by Ms. Burks, and duly seconded by Dr. Mosby the Committee voted to dismiss this matter.

**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

The Committee adjourned at 3:11 p.m.

*As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Brown, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Brown, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.*

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Jane E. Piness, M.D., Chair

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William L. Harp, M.D., Executive Director

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Date

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Date

**CALL TO ORDER:**

A Special Conference Committee of the Board was called to order at 3:20 p.m.

**MEMBERS PRESENT:**

Robert T. Mosby, Jr., M.D., Chair

Jane E. Piness, M.D.  
Ann T. Burks, J.D.

**STAFF & OAG PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Renée S. Dixon, Discipline Case Manager  
Michelle Wilson, Adjudication Specialist

**MATTER:** Catherine Kit Carson, D.C. License No.: 0104-000559  
Case No.: 108920

**PRELIMINARY MATTERS:** The Chair noted that the time was 3:21 p.m., and Dr. Carson was not present. Further, pursuant to the Board’s Notice, Dr. Carson was scheduled to appear before the Committee at 2:00 p.m.

Ms. Wilson advised that no communication had been received from Dr. Carson and that the Notice had been sent to Dr. Carson’s address of record with the Board by certified and 1<sup>st</sup> class mail. A review of the Board’s file noted that the certified mail had been returned as “unclaimed”.

**RULING:** Based on the information provided, the Chair ruled that proper notice had been made to Dr. Carson, therefore, the informal conference would proceed in her absence.

**DISCUSSION:** Dr. Carson did not appear before the Committee in person in accordance with a Notice of the Board dated May 24, 2007. Dr. Carson was not represented by counsel. The Committee received information regarding the allegations from Ms. Wilson.

**DECISION:** Upon a motion by Dr. Piness and duly seconded by Ms. Burks, the Committee voted to refer this matter to a formal hearing since the Committee was unable to dispose of this matter within the limits of its authority pursuant to §2.2-4019.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Committee adjourned at 3:26 p.m.

*A formal hearing will be convened at a future date for a final determination of this matter.*

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Robert T. Mosby, Jr., M.D., Chair

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William L. Harp, M.D., Executive Director

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Date

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Date

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**CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 3:29 p.m.

**MEMBERS PRESENT:** Robert T. Mosby, Jr., M.D., Chair  
Jane E. Piness, M.D.  
Ann T. Burks, J.D.

**STAFF & OAG PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Renée S. Dixon, Discipline Case Manager  
Michelle Wilson, Adjudication Specialist

**OTHERS PRESENT:** Dr. Mohammad S. Al-Kharrat (*on behalf of Dr. Mahdi*)

**MATTER:** **Saad Fakhri Mahdi, M.D.** **License No.: 0101-230447**  
**Case No.: 109246**

**DISCUSSION:** Dr. Mahdi appeared before the Committee in person in accordance with a Notice of the Board dated May 1, 2007. Dr. Mahdi was Marc A. Brown, Esquire. The Committee fully discussed the allegations in the Notice with Dr. Mahdi.

**CLOSED SESSION:** Upon a motion by Dr. Piness, and duly seconded by Ms. Burks, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Mahdi. Additionally, she moved that Ms. Deschenes and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

**DECISION:** Upon a motion by Ms. Burks, and duly seconded by Dr. Piness the Committee made certain Findings of Fact and Conclusions of Law and voted to issue Dr. Mahdi a reprimand and subject his license to certain terms and conditions.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Committee adjourned at 5:36 p.m.

*As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Mahdi, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Mahdi, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.*

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Robert T. Mosby, Jr., M.D., Chair

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William L. Harp, M.D., Executive Director

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Date

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Date